

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

Case No. 02-40255

vs.

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

ROBERT VIETA,

HONORABLE STEVEN D. PEPE
UNITED STATES MAGISTRATE JUDGE

Defendant.

_____ /

ORDER GRANTING PLAINTIFF'S
REQUEST FOR APPOINTMENT OF COUNSEL (DKT. #132)

On October 4, 2002, Plaintiff Gregory Hardy filed a *pro se* civil rights complaint, pursuant to 42 U.S.C. § 1983, alleging assault, harassment, intimidations and violations of the First and Eighth Amendment. On October 10, 2006, Plaintiff filed his renewed request for appointment of counsel (Dkt. #132). All pretrial proceedings have been referred pursuant to 28 U.S.C. 636(b)(1)(A) and (B). For the reasons stated below, Plaintiff's request is GRANTED.

The undersigned has recommended that Defendant's motion for summary judgment be denied. If this recommendation is accepted, the matter will be set for trial and it is likely that Plaintiff will not be able to present his legal arguments adequately without professional legal assistance given the intricacies and evidentiary complexities of a trial.

Therefore, a request for *pro bono* counsel will be processed through the proper channels, and Plaintiff will be notified when *pro bono* counsel has been assigned. The trial schedule will be set accordingly.

SO ORDERED.

Dated: December 6, 2006
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify on December 6, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Kevin R. Himebaugh, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant: Gregory Hardy #252393, Southern Michigan Correctional Facility, 4010 Cooper St., Jackson, MI 48201

s/James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850